

**DEPARTMENT OF CONSUMER AFFAIRS
DIVISION OF INVESTIGATION
INVESTIGATIONS & SERVICES TEAM**

ADMINISTRATIVE INVESTIGATION

STEVEN CHARLES RICHTER

**DEPARTMENT OF CONSUMER AFFAIRS
DIVISION OF INVESTIGATION
HEALTH QUALITY INVESTIGATION UNIT**

CASE # SOU-14477

SPECIAL INVESTIGATOR SHELLY GARTNER

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DIVISION OF INVESTIGATION
Investigations and Services Team
1747 North Market Blvd., Ste. 160, Sacramento, CA 95834
[REDACTED]

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CONFIDENTIAL
REPORT OF INVESTIGATION

CASE INVESTIGATOR: Shelly GartnerTYPE OF INVESTIGATION: Internal Affairs

INVESTIGATION FINDING(S):

- 1) Allegation / Finding: California Government Code §19572(f) Dishonesty - Sustained
- 2) Allegation / Finding: [REDACTED]
- 3) Allegation / Finding: California Government Code §19572(p) Misuse of state property Sustained
- 4) Allegation / Finding: California Government Code §19572(t) Failure of good behavior Sustained

☐ See the Findings Section of the report for additional allegations and findingsEVENT / INCIDENT OCCURRED: Date: 12/15/14 – 1/27/15 Time: VariesLOCATION OF EVENT: Several (refer to report)BOARD / BUREAU / COMMISSION: Division of Investigation/Health Quality Investigation UnitADDRESS: (Street, City, State, Zip) 464 West 4th Street, Suite 429, San Bernardino, CA 92123PHONE NUMBER: [REDACTED]

SUSPECT INFORMATION

☐ See Witness List for additional Suspects

NAME (First, Middle, Last)

Steven Charles Richter

OCCUPATION/TITLE

Supervising Investigator (HQIU)

RESIDENCE ADDRESS (Street, City, County, Zip)

[REDACTED]

RESIDENCE PHONE

[REDACTED]

OTHER PHONE

OTHER ADDRESS (Street, City, County, Zip) ☒ Work ☐ Home ☐ Known to Frequent464 West 4th Street, Suite 429, San Bernardino, CA 92401

BUSINESS PHONE

[REDACTED]

OTHER PHONE

[REDACTED]

DOB

[REDACTED]

RACE

[REDACTED]

SEX

[REDACTED]

HAIR

[REDACTED]

EYES

[REDACTED]

HGT

[REDACTED]

WGT

[REDACTED]

DL/ID #

[REDACTED]

ST

[REDACTED]

OTHER IDENTIFIERS / XRF#

VEH YR

2007

MAKE

Chevrolet

MODEL

Impala

TYPE

LS

CLR

Silver

ADD. DESCR.

PLATE #

[REDACTED]

ST

CA

CASE STATUS:

☒ Completed: 4/7/15 Disposition: _____Routed To: ☒ DCA Legal ☐ DCA Exec. Office ☐ DCA Other: _____☐ DA's (Co.: _____) ☐ LEO Agency: _____ ☐ Other: _____

INVOLVED PERSON(S) LIST


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NAME (FIRST, MIDDLE, LAST)				OCCUPATION			
Kathleen Nicholls				Commander (HQIU)			
RESIDENCE ADDRESS (STREET, CITY, COUNTY, ZIP)				RESIDENCE PHONE		OTHER PHONE	
BUSINESS/SCHOOL NAME & ADDRESS (STREET, CITY, COUNTY, ZIP)				BUSINESS PHONE		OTHER PHONE	
464 West 4 th Street, Suite 429, San Bernardino, CA 92401				[REDACTED]		[REDACTED]	
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NAME (FIRST, MIDDLE, LAST)				OCCUPATION			
Andrew Hegelein				Commander (HQIU)			
RESIDENCE ADDRESS (STREET, CITY, COUNTY, ZIP)				RESIDENCE PHONE		OTHER PHONE	
BUSINESS/SCHOOL NAME & ADDRESS (STREET, CITY, COUNTY, ZIP)				BUSINESS PHONE		OTHER PHONE	
1747 N. Market Blvd. Suite 265, Sacramento, CA 95834				[REDACTED]		[REDACTED]	
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[REDACTED]							
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NAME (FIRST, MIDDLE, LAST)				OCCUPATION			
Lance Berns				CHP Sergeant			
RESIDENCE ADDRESS (STREET, CITY, COUNTY, ZIP)				RESIDENCE PHONE		OTHER PHONE	
BUSINESS/SCHOOL NAME & ADDRESS (STREET, CITY, COUNTY, ZIP)				BUSINESS PHONE		OTHER PHONE	
13892 Victoria Street, Fontana, CA 92336				[REDACTED]		[REDACTED]	
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NAME (FIRST, MIDDLE, LAST)				OCCUPATION			
Tim O'Connell				San Bernardino County Sheriff Lieutenant			
RESIDENCE ADDRESS (STREET, CITY, COUNTY, ZIP)				RESIDENCE PHONE		OTHER PHONE	
BUSINESS/SCHOOL NAME & ADDRESS (STREET, CITY, COUNTY, ZIP)				BUSINESS PHONE		OTHER PHONE	
18000 Institution Road, San Bernardino, CA 92407				[REDACTED]		[REDACTED]	
DOB	RACE	SEX	HAIR	EYES	HGT	WGT	DL #
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NAME (FIRST, MIDDLE, LAST)				OCCUPATION			
Patrick Leivas				Corporal/Police Officer for Redlands Police Department			
RESIDENCE ADDRESS (STREET, CITY, COUNTY, ZIP)				RESIDENCE PHONE		OTHER PHONE	
BUSINESS/SCHOOL NAME & ADDRESS (STREET, CITY, COUNTY, ZIP)				BUSINESS PHONE		OTHER PHONE	
1270 W. Park Ave., Redlands, CA				[REDACTED]		[REDACTED]	
DOB	RACE	SEX	HAIR	EYES	HGT	WGT	DL #
		[REDACTED]					


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INVOLVED PERSON(S) LIST

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Shelly Gartner					Special Investigator				
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Mike Buttitta					Investigator				
RESIDENCE ADDRESS (STREET, CITY, COUNTY, ZIP)					RESIDENCE PHONE		OTHER PHONE		
BUSINESS/SCHOOL NAME & ADDRESS (STREET, CITY, COUNTY, ZIP)					BUSINESS PHONE		OTHER PHONE		
1747 N. Market Blvd. # 160, Sacramento, CA					[REDACTED]		[REDACTED]		
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Mark Green					San Bernardino County Sheriff Corporal				
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18000 Institution Road, San Bernardino, CA 92407					[REDACTED]		[REDACTED]		
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Ken Smith					Supervising Investigator				
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BUSINESS/SCHOOL NAME & ADDRESS (STREET, CITY, COUNTY, ZIP)					BUSINESS PHONE		OTHER PHONE		
1747 N. Market Blvd. # 160, Sacramento, CA 95834					[REDACTED]		[REDACTED]		
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K. Marshall					Detective for San Bernardino County Sheriff's Department				
RESIDENCE ADDRESS (STREET, CITY, COUNTY, ZIP)					RESIDENCE PHONE		OTHER PHONE		
BUSINESS/SCHOOL NAME & ADDRESS (STREET, CITY, COUNTY, ZIP)					BUSINESS PHONE		OTHER PHONE		
655 East Third Street, San Bernardino, CA 92415					[REDACTED]		[REDACTED]		
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Bill Jones					Commander				
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BUSINESS/SCHOOL NAME & ADDRESS (STREET, CITY, COUNTY, ZIP)					BUSINESS PHONE		OTHER PHONE		
1747 N. Market Blvd. #160, Sacramento, CA 95834					[REDACTED]		[REDACTED]		
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NAME (FIRST, MIDDLE, LAST) Charles Smith					OCCUPATION Investigator				
RESIDENCE ADDRESS (STREET, CITY, COUNTY, ZIP)					RESIDENCE PHONE			OTHER PHONE	
BUSINESS/SCHOOL NAME & ADDRESS (STREET, CITY, COUNTY, ZIP) 1747 N. Market Blvd. # 160, Sacramento, CA 95834					BUSINESS PHONE [REDACTED]			OTHER PHONE	
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NAME (FIRST, MIDDLE, LAST) John Hirai					OCCUPATION Commander				
RESIDENCE ADDRESS (STREET, CITY, COUNTY, ZIP)					RESIDENCE PHONE			OTHER PHONE	
BUSINESS/SCHOOL NAME & ADDRESS (STREET, CITY, COUNTY, ZIP) 12750 Center Court Dr., South, Cerritos, Suite 750, CA 90703					BUSINESS PHONE [REDACTED]			OTHER PHONE	
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NAME (FIRST, MIDDLE, LAST) Glen Alfaro					OCCUPATION Sergeant for San Bernardino County Sheriff's Department				
RESIDENCE ADDRESS (STREET, CITY, COUNTY, ZIP)					RESIDENCE PHONE			OTHER PHONE	
BUSINESS/SCHOOL NAME & ADDRESS (STREET, CITY, COUNTY, ZIP) 655 East Third Street, San Bernardino, CA 92415					BUSINESS PHONE [REDACTED]			OTHER PHONE	
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DOB	RACE	SEX	HAIR	EYES	HGT	WGT	DL #	ST	OTHER IDENTIFIERS

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SYNOPSIS

On December 15, 2014, at approximately 2323 hours, Health Quality Investigation Unit (HQIU) Supervising Investigator Steven Richter was driving his State assigned vehicle when he crashed it into an electrical pole in the city of Redlands, CA. The air bag deployed, electrical power lines were severed and irreparable damage was done to the State vehicle. He did not call for assistance, but rather left the scene of the accident and drove the car to his house in [REDACTED], more than three miles away.

An hour and a half after the collision, Police contacted Richter at his home. He first told police that he hit a pole in front of his house while turning into the driveway, but then changed his story after the officer told Richter that he had pieces of his car that were left at the scene. Richter then said he may have been in an accident in Redlands before he got home. The officer observed him to be under the influence of alcohol, but he was not taken into custody. Criminal charges of Hit and Run were filed by the San Bernardino County District Attorney's office on January 13, 2015 and are still pending as of the date of this report.

In the course of this internal affairs investigation, it was determined that Richter was dishonest with police and with HQIU supervisors in his explanation of how and where the traffic collision occurred as well as his account of where he was prior to the incident. He said he was at the San Bernardino County Sheriff's shooting range until 2300 hours and was driving home when the incident occurred (a distance of less than 16 miles). Witnesses stated the range closed and staff and shooters were gone by 2130 hours. Richter said the cause of the accident was a tire blow out. However, upon close examination and inspection of the tire by CHP, it was determined that the tire did not suffer a blow out and it was not driven in a flat condition, as Richter asserted.

[REDACTED] on January 14, 2015 [REDACTED]

[REDACTED] Later on this same day, Richter abruptly retired from State service. All State equipment, property and ammunition were

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obtained from Richter on or before January 15, 2015. Immediately following his retirement from State service, he resigned his position as a San Bernardino County Sheriff's Department as a reserve deputy.

On January 22, 2015, Richter informed the San Bernardino County Sheriff's Department that during the time he was as a reserve deputy and a supervisor with HQIU, he stole ammunition and property from both employers. A criminal investigation was initiated by the Sheriff's Department and they seized several hundred rounds of ammunition, various pistol and rifle magazines, training guns, expandable batons, and several cans of OC.

On January 30, 2015, it was determined that Richter had over 5,000 rounds of ammunition at his residence that was the property of the HQIU. In an interview of Richter by the Sheriff's Department, he admitted to using some of the stolen ammunition as credit to purchase firearms at Wirtz gun store. In a prior internal affairs investigation by HQIU (case # IA-2014-01), Richter was interviewed as a subject on July 24, 2014 regarding allegations that he traded ammunition he stole from HQIU to purchase personal firearms. During the interview, Richter denied the allegations.

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NARRATIVE

During the early morning hours of December 16, 2014, Richter reported to Division of Investigation (DOI) HQIU Commanders Andrew Hegelein and Kathleen Nicholls that he was involved in a solo car traffic collision with his State assigned vehicle. Redlands Police Department investigated the incident and informed Hegelein that Richter hit a telephone pole at around 2337 hours on December 15, 2014, left the scene of the accident and drove home. Richter said he had been at the San Bernardino County Sheriff's (SBSD) shooting range the entire evening prior to the collision; however, police determined the range closed at 2100 hours.

Richter told police, Hegelein and Nicholls that a tire blew out on his vehicle and that is what caused the accident. The police officer noted the vehicle had a flat tire, but it did not appear to have been driven in a flat condition.

Hegelein and Nicholls notified HQIU Deputy Chief Laura Sweet of the incident. Deputy Director Michael Gomez authorized an internal investigation and the case was assigned to me, Special Investigator Shelly Gartner, on December 16, 2014.

REDLANDS POLICE DEPARTMENT REPORT

On December 16, 2014, I obtained a copy of Redlands Police Department report # 140055017 (Attachment #1). The report was prepared by Corporal P. Leivas and is summarized as follows:

On Monday December 15, 2014, at approximately 2323 hours, Leivas was dispatched to San Timoteo Canyon Road and Nevada Street regarding an unknown injury traffic collision. Dispatch advised that a single vehicle hit an Edison pole. The reporting party said the vehicle was a dark colored four door sedan driven by a male.

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While in route, dispatch advised Leivas that the vehicle was fleeing the scene. Upon his arrival, he was unable to locate the vehicle, but found a Chevrolet bow tie and passenger side headlight to the vehicle. Leivas took photos of the scene and determined that the vehicle was traveling east bound on San Timoteo Canyon Road, just east of Nevada Street, and collided with Edison pole number 4671244E. Leivas also noted in his report that the road conditions that evening were "dry" and the weather was "clear."

At approximately 0053 hours on Tuesday December 16, 2014, Redlands Police Department received a call from the San Bernardino Sheriff's Department (SBSD) Loma Linda station saying they believed the suspect and vehicle involved in the hit and run traffic collision was at [REDACTED] in the city of [REDACTED] (*Richter's residence*). Leivas responded to the address and contacted the driver of the vehicle, Steven Richter. Upon arrival, Leivas observed Richter had watery and bloodshot eyes, he slurred his speech when he spoke and he had a strong odor of alcohol coming from his breath. While standing, he swayed from side to side and back and forth while balancing. He had objective symptoms of being under the influence of alcohol. (*The officer later told Hegelein that he offered Richter a field sobriety test, but he refused.*)

Richter told Leivas that he had been at the SBSB Academy shooting at range 3 until 2300 hours. While in route home, he was pulling into his driveway and hit a pole in front of his house. Richter told Leivas that he was not involved in a traffic collision in Redlands. He added that he had not been drinking and in fact does not drink alcohol. Richter denied medical attention even though he was bleeding from his right thumb knuckle and hand and complained of pain to his neck and back. He said he was injured when the airbag deployed.

After telling Leivas his account of what happened, Richter changed his story and said that he actually took San Timoteo Canyon Road on his way home and might have been in an accident in Redlands. He did not remember exactly what happened since the airbag deployed and he hit his head during the collision. He said he did not have anything to drink with alcohol prior to driving,

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but when he got home he drank part of a 12 ounce beer. Richter told Leivas that he knew it was a crime to leave the scene of an accident.

Prior to Leivas arriving, Richter said he called his supervisor who told him to call CHP to report the collision. He tried calling CHP for an hour, but had no luck so he called the Sheriff's Department.

Leivas recommended the incident be referred to the District Attorney's Office for filing charges of hit and run California Vehicle Code 20002 (a).

On April 7, 2015, I contacted the Redland's Police Department and learned that criminal charges of Hit and Run were filed by the San Bernardino County District Attorney on January 13, 2015. As of the date of this report, the charges were still pending.


BLOOD ALCOHOL CONTENT

In order to estimate how much alcohol Richter may have consumed to exhibit the signs of intoxication he demonstrated to Leivas during his investigation, I queried WebMD on line and printed a chart showing the "Effects of Drinking Alcohol." (Attachment #2) The information indicates that if a person exhibits slurred speech, poor coordination or slower thinking, their blood alcohol level would be approximately 0.10.

I obtained a printout from the California Department of Motor Vehicles (DMV) that contains a chart of Blood Alcohol Content (BCA) (Attachment #3). Given Richter's weight of [REDACTED] lbs (noted in the police report) it would take approximately three drinks for him to reach a BCA of 0.10.

INTERVIEW OF CORPORAL PATRICK LEIVAS

Due to his holiday vacation schedule and night shift work, I was not able to conduct an oral interview of Corporal Leivas; therefore on December 29, 2014, I sent follow-up questions to him


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via email (Attachment #4). He responded on December 30, 2014 and provided the following additional information (Attachment #5):

Leivas was able to determine that the SBSB range closed at 2100 hours on Monday December 18, 2014 (*Leivas later corrected this date to be December 15*) by talking to Deputy Ash who checked with SBSB dispatch. Ash told Leivas that no one was authorized to be on the range after it closed. Richter told Leivas that he was on the range until approximately 2300 hours doing some extra shooting, he said he regularly does this. He said he was with some other employees, maybe 3 or 4 of them. Leivas was not sure if they were employees from the SBSB or Department of Consumer Affairs. He never got their names. Richter said he called his supervisor to let him know he would be on the range late.

Leivas was not sure why Richter changed his story about how the collision occurred. Richter originally said that he was not involved in a traffic collision in Redlands or on San Timoteo Canyon Road. He hit the pole in front of his house while turning into his drive way and pointed to a pole in front of his house. Leivas told Richter that he had parts to his car that were left at the scene of the traffic collision. Leivas showed Richter the head light and told him that he would appreciate him not lying. Richter said he now remembered that he did drive on San Timoteo Canyon Road and that he might have been involved in a traffic collision. He said he could not remember too much because he hit his head when the air bag went off.

Richter said he was not sure what caused the collision, but thought he might have had a blowout. Leivas observed the vehicle had a flat driver's side rear tire, but it did not appear the vehicle had a blowout. The tire appeared to be in good condition and did not look like it had been driven on for a distance while being flat. Richter told Leivas that he had been having trouble with that tire and had to replace a flat on that same tire last week.

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Leivas was not sure what kind of beer Richter said he drank that evening, but noticed at least 3 12 oz glass bottles of Tecate beer in the kitchen trash can. The trash was full and those 3 bottles were on top of the trash. Leivas asked Richter if he lived alone and he said he did. Leivas told him he previously said he did not drink. Richter replied and said he did not say he didn't drink, he said he didn't drink that night.

When Richter explained what he was doing during the course of the evening, he originally told Leivas that he was on range 3 for a night shoot. However, when Leivas questioned him about the range closing (including range 3) at 2100 hours, Richter said, even range 5? Leivas said, the whole range. Richter then said he was on range 5 and that he could be on the range after hours because he is range staff and he has keys to the range. Leivas did not remember Richter ever saying he was a reserve deputy.

Through his investigation, Leivas knew that Richter worked in some sort of law enforcement capacity so he asked him who he worked for and he said the Department of Consumer Affairs. Richter did not ask for any specific consideration due to his employment. Rather, he told Leivas he was sorry for putting him in this situation and knew that he had a job to do.

On December 30, 2014, I conducted a telephone interview of Leivas. With his permission, the interview was recorded (Property#1). The following is a summary of the additional information he provided:

Leivas clarified a date he previously provided in his written response regarding when the shooting range closed. He meant to say that he verified the range closed on December 15th at 2100 hours not December 18th. Leivas also recalled Richter telling him that he had been at the range with coworkers, however, Leivas did not ask for their names.

When Leivas arrived at Richter's house on the evening of December 15th, Police Officer Ash was already at the location. Ash advised Leivas that Richter said he had an accident in front of his house. Ash did not think Richter was forthcoming. Leivas asked Richter for his ID, however,

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after looking in his house and his garage, he was not able to find it. Police identified Richter through DMV Cal Photo.

As Leivas looked around, he noticed the vehicle had been cleaned out and that everything from the car was thrown into Richter's garage including a shotgun. Leivas said it appeared as though Richter was in a panic and tried to hide stuff. Richter told Leivas that he took everything out because he had a car broken into in the past.


One of the things Leivas thought was odd during his investigation was that Richter had changed his clothes prior to police arriving. Leivas saw a bloody pair of BDU pants and a bloody shirt. He asked Richter why he would change his clothes rather than call for medical aid. Richter had no response.

While questioning Richter about what happened that evening, Leivas told Richter that he thought he was lying and that he didn't appreciate him lying to an officer. It wasn't until then that Richter said he may have been involved in a traffic collision in Redlands. Richter said he hit his head during the accident and that he was not clear about what happened.

INTERVIEW OF [REDACTED]

On December 18, 2014, at approximately 1544 hours, I contacted private citizen [REDACTED] at her residence located at [REDACTED] CA. The residence is [REDACTED] the Edison electrical pole that Richter hit with his State assigned vehicle on December 15, 2014. The interview was recorded (Property #2). The following is a summary of the information [REDACTED] provided:

On December 15, 2014 [REDACTED] and [REDACTED] were inside their home watching TV and at round 2330 hours they heard a loud noise that sounded like something hit their house. The lights went out and [REDACTED] and [REDACTED] went outside to see what happened. They both saw a car smashed into a pole right in front of their house. [REDACTED] saw that the lights were on inside of the car and that the airbag had not deployed.

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[REDACTED] started to walk toward the car to see if the driver was okay. [REDACTED] saw that wires from the electrical pole were hanging down and were wrapped around the car's bumper. The male driver then turned the car on and put it in reverse. The car took off as [REDACTED] was waving his arms trying to get the driver to stop. [REDACTED] and [REDACTED] called police in hopes of getting their lights turned back on. About 10 minutes later, a police officer came by and talked to [REDACTED] who said that the car took off and they didn't know if the driver was injured. Police asked questions about the color and type of car, whether the driver was with other people, etc. [REDACTED] told police that the driver was alone in the car. Police did not see a car in the vicinity, but said they would continue to search for it.


[REDACTED] told police that the car was a Chevy [REDACTED] thought the color was silver, however, it was dark outside and hard to see the color. They thought that the car was "messed up," but not so bad that it would break down a few miles away.

Following the incident, [REDACTED] came home from work and called Edison to report the power outage. The lights did not come back on until around 0100 hours.

NOTE: Prior to recording her statement, [REDACTED] informed me that the driver of the vehicle was a solo male who never got out of the car after the crash. [REDACTED] also told me that when the driver left the scene, he drove east on San Timoteo Canyon Road and did not return.

INTERVIEW OF DOI COMMANDER KATHLEEN NICHOLLS

On December 16, 2014, I conducted a recorded interview (Property # 2) of Commander Kathleen Nicholls at the HQIU office in Rancho Cucamonga. The following is a summary of the information Nicholls provided:

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Nicholls is an area commander and her area of supervision includes the San Bernardino HQIU office. Richter has been working under her supervision in that office as a supervising investigator for approximately seven years. In connection with Richter's duties as a supervising investigator of the San Bernardino HQIU office, he was assigned a State vehicle. She described it as a grey Chevrolet Impala and said that it was a "take home" car to be driven for official duties only.

The vehicle had been assigned to him for a period of time, but was driven by an investigator for a short time. However, within the last 30 days, the car had been reassigned to Richter.

Richter's normal work hours are 0900 hours to 1700 hours, however, on December 15, 2014 he was going to assist in conducting a night range shoot for agency investigators. The range was scheduled from 1400 hours to 2100 hours at the SBSD shooting range. Nicholls was not at the range that night and was not aware of when Richter was actually there. His work day should have ended when range was concluded. She knew however that lately the night shoots concluded before 2100 hours. She thought that when Richter was at the range, he contacted Commander Andrew Hegelein, but Nicholls was not aware of the content of their conversation.

On December 16, 2014, shortly after midnight, Richter called Nicholls at her home. He told her that he blew a tire turning into his driveway and hit a pole that was on his property. He said that it had just happen and, although he wasn't going very fast, the car was "messed up." He told Nicholls that he was okay.

Nicholls asked Richter why he was just getting home and he said that he had been at the range. She asked him why he was at the range at midnight and he explained that when he got to the range to help Hegelein, everyone was finished. But he stayed to practice shooting before going home. Nicholls advised Richter to contact CHP to obtain a police report regarding the accident in his driveway and he said he would. The call ended.

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The next contact Nicholls had with Richter was this morning (*December 16, 2014*) at around 0715 hours. He called Nicholls' cell phone and said that he was in "a world of trouble." She asked him what he meant and he said that he was involved in an accident prior to getting to his house the night before. He explained that he hit a pole and left the scene of the accident. He just remembered the impact and that he needed to get home.

During the cell phone call, Nicholls asked Richter if he remembered calling her last night and saying that he blew a tire and hit a pole near his driveway. His response was, "As you know, I am in a world of trouble." He said that the officers asked him if he had been drinking, and he said, "No." The officer told him they could smell alcohol on his breath and he responded saying that it was probably because he drank a beer when he got home.

Richter told the officer that he left the range at 2300 hours and the officer told him the range closed at 2100 hours. Richter said that he always stays late. The officer tried to call Nicholls, but could not reach her so he called Hegelein to verify that Richter had in fact been at the range.

After informing Nicholls of the incident, Richter asked her what to do with the car because it was not drivable. It was in his driveway and was blocking his personal vehicle. She advised him to have a State tow truck take it to Pride Auto. Nicholls asked Richter if he was injured and whether he wanted her to drive him to Kaiser to get checked out. He didn't think he was injured and told her, "Let me get myself put together and I'll call you back." The call ended.

At around 0750 hours on December 16, 2014, Nicholls called Richter's home phone after he didn't answer his cell phone. She left him a message to call her. Within a minute he called her back. He said that he didn't think he needed medical attention, but if he did, he would be okay to drive himself. He asked about the night range because he was scheduled to work that night. Nicholls informed Richter that she had spoken to Hegelein

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and that it was covered. She told him to stay at home today until she gave him further instruction. He said, "No problem, as you know, I'm in a world of trouble." He repeated several times that he was in, "a world of trouble." She again asked him if he was okay and he said, "Yes."


The next contact Nicholls had with Richter was a text message around 1130 hours (*December 16, 2014*). He informed her that he was at Kaiser. Nicholls text back and inquired about the State car. Richter text back stating that it was towed to Pride Auto, which is in San Bernardino.

Nichols provided me with two emails she sent to HQIU Deputy Chief Laura Sweet on December 16, 2014 (Attachment #6 and #7) that document the contact she had with Richter. She said she contacted Hegelein to confirm that he instructed Richter to go to the range. Hegelein told her that Richter called him when he arrived at the range. Hegelein previously spoke to one of the range masters and found out that all of the shooters had left. Hegelein told Nichols that he received a call from one of the police officers at around 0200 hours regarding Richter's accident.

I asked Nicholls whether Richter was supposed to be a range master or a shooter while at the range the night before. She said it would have been as a range master. She was not aware of any other HQIU official duties he had following the range. However, Nicholls said that Richter is a volunteer with the SBSD and sometimes, after hours, he assists them at the range. She clarified that his participation with the Sheriff's is a different employer. And in terms of his responsibility with the State assigned vehicle, Richter is supposed to drive it home at the end of his HQIU shift. Richter was not authorized to go anywhere with his State vehicle other than conducting business for HQIU.

INTERVIEW OF DOI COMMANDER ANDREW HEGELEIN

Supervising Investigator Ken Smith conducted a recorded interview of Hegelein at his office in Sacramento. Smith prepared a report of his contact with Hegelein as delineated below.


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On December 18, 2014, Commander Bill Jones and I interviewed Commander Andrew Hegelein in the IST office located at 1747 N. Market Blvd., #160, Sacramento, CA 95834. Prior to the interview, Hegelein provided me with a copy of the email he wrote detailing his contacts on December 15th and 16th, 2014, with Steve Richter and a corporal with the Redland Police Department (Attachment #8). The interview was recorded, copied to compact disk and is marked as Property #3. The following is a summary of the interview:

Hegelein confirmed the information he wrote in the email was accurate. Hegelein further confirmed that he had spoken with Richter on December 15, 2014 between 1836 hours and 1849 hours via telephone. Hegelein had requested that Richter assist with the range on December 15, 2014. Hegelein learned that the DOI night range had concluded early for the day and Richter, being a Rangemaster for DOI, could go home. Richter told Hegelein that he was going to hang out and talk with his colleagues from the sheriff's office. Hegelein said he also knew that Richter was a Reserve Deputy and Rangemaster with the San Bernardino County Sherriff's Department.

Hegelein confirmed that on December 16, 2014 at about 0209 hours, he received a call on his cell phone from a 909 area code phone number but did not answer the phone. At 0216 hours, he received another call from a blocked phone number, which he answered and it was Richter. Richter told Hegelein that he had a blow out and had been in an accident and an officer wanted to speak with Hegelein to confirm that Richter had been at the range earlier in the night.

About one minute later, Hegelein received a call from the same 909 area code phone number and spoke with a person who identified himself as a corporal with the Redlands Police Department. The corporal said Richter had been in an accident, that he hit a telephone pole and fled the scene. Witnesses who saw the accident called it in and pieces of the vehicle where left behind at the scene. The corporal also reported that the CHP had received a call from someone who reported that they had been in an accident, which resulted in Redlands Police responding to Richter's residence. The corporal told

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Hegelein that the accident occurred at 1137 hours [11:37 PM], that the vehicle was in the driveway and appeared to be totaled.


The corporal told Hegelein that Richter reported that he had been at the range. Redlands Police contacted the range and learned that the range had closed at 2100 hours and everyone had gone home.

The corporal said he also tried calling Richter's supervisor, Kathleen Nicholls, but was unable to reach her. Hegelein told the corporal that Richter was a Rangemaster with DOI and that he had spoken with Richter earlier, before 1900 hours, and he said he was at the range and he was going to stay at the range and talk with some colleagues.

The corporal further stated that when he arrived at Richter's residence, Richter had the odor of alcohol on his breath and he refused to take a Field Sobriety Test. The corporal told Hegelein that Richter reported that he had half of a beer when he got home. Richter had trouble locating his identification and while looking for it, the corporal found several empty beer bottles in the trash.

Hegelein said the corporal told him he was not going to arrest Richter, but he would submit the case to the DA's office as hit and run and Hegelein ended the call with the corporal.

A few minutes later Hegelein spoke with Richter again. Hegelein said Richter reported again that he had a blowout in his rear tire, he went off the road, and he did not remember anything other than the airbag going off. Hegelein asked Richter if he was okay and he reported he had a headache. Hegelein asked Richter if he needed medical attention and he said no. In speaking with Richter, Hegelein could not tell if he had been drinking.

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SITE ASSESSMENT AND VEHICLE INSPECTION


On December 16, 2014, I went to Pride Automotive Repair at 25050 E. 3rd Street in San Bernardino where Richter called to have his State assigned vehicle towed. I located the vehicle and photographed the interior and exterior. Refer to photos in Attachment #9 (Property #4). I noted that the driver's side rear tire was flat and photographed it. The tire appeared to be in otherwise good condition and there were no obvious or exterior signs of puncture or trauma. However, I noted that the valve stem cap was missing.

During my inspection, there were no cans, bottles, cups or containers of liquid noted in the vehicle. The trunk was empty of any contents. I located the vehicle mileage log book in the car's interior and took possession of it (Property #5). The print on the log book smeared somewhat because it was raining at the time of my inspection. I photographed the book prior to rain smearing the handwriting (Attachment #10). The log book page for December did not reflect the name of the driver and did not contain mileage or locations traveled past the 10th day of the month which shows the last mileage entered was 101,577.

I obtained the vehicle keys from the staff at Pride Auto and turned the ignition far enough to read the final mileage which read 101,756.

On December 16, 2014, at approximately 1400 hours, I went to the site of the collision at San Timoteo Canyon Road and Nevada Street in Redlands. I photographed the electrical pole, the tire marks created in the soft roadway shoulder and the direction of travel of Richter's vehicle (Attachment #11 and Property #4.). The tire marks in the soft dirt indicate the vehicle ran off of the pavement and, in an effort to correct the direction, made a sharp turn to the left before hitting the Edison pole. The photos also show pieces of the vehicle that were left next to the pole.

Photos of the direction of travel on San Timoteo Caynon Road show there is a bend in the roadway of approximately 90 degrees immediately west of the electrical pole.

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In an effort to determine how far Richter drove his State vehicle following the collision, on December 18, 2014, HQIU Investigator Mike Buttitta and I clocked mileage on Buttitta's odometer from the site to Richter's home. I determined that if Richter had driven the most direct route home, the distance was 3.3 miles. According to Map Quest, the most direct route to Richter's home is 3.34 miles. He would have had to turn around and go north on San Timoteo Canyon Road (not east as witness [REDACTED] saw him travel). Refer to Attachment #12 for a map and driving directions obtained from Map Quest. If Richter drove a different way home, the distance to his home would have been greater than 3.34 miles.

While in front of Richter's home on December 18, 2014, I photographed a telephone pole that was located several feet north of his driveway. (Attachment #13) The photo shows that if Richter had crashed his vehicle into that pole as he originally told police and his supervisor, then he clearly would have missed his driveway by several feet. *(Note: The police report shows the driving conditions that night were clear and dry).*

In order to determine the most direct route from the SBSD Academy range located at 18000 Institution Road, San Bernardino, I queried Map Quest and determined the most direct route to Richter's house was approximately a 21 minute drive and was 15.61 miles away (Attachment #14). The route shows that Richter's home is closer to the route than where he was driving on San Timoteo Canyon Road. To demonstrate this, I created a map using sections of a Thomas Guide for San Bernardino and Riverside Counties (Attachment #15). The map shows the route provided by Map Quest and demonstrates how far off of the route Richter was at the time of the collision.

INTERVIEW OF LIEUTENANT TIM O'CONNEL

On December 19, 2014, I spoke to SBSD academy director Lieutenant Tim O'Connell by phone. The interview was not recorded due to the fact O'Connell returned my call at the time I was driving. He provided the following information:

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At my request, O'Connell checked academy records and inquired with academy staff regarding Richter's participation as a reserve deputy and assistant range master on December 15, 2014. O'Connell said that Richter was not on any roster as having participated in range shooting. Academy Corporal Mark Green saw Richter at the range that evening and told him that his assistance at the range was not needed. Richter did not work with anyone at the academy that evening and the roster for the Division of Investigation (DOI) does not contain Richter's name as having participated in range qualification. DOI was scheduled for range until 2200 hours, but by 1800 everyone had left the range. In addition, O'Connell said that the range and academy closed up shop between 2100-2130 hours.

On December 29, 2014, I spoke to O'Connell by phone and asked him if any of his academy staff may have gone out with Richter on December 15, 2014 after the academy and range closed. He said that when the range and academy closed between 2100-2130 hours, no one associated with Richter after hours. He added that Richter's personality is such that he does not socialize with the academy staff.

INTERVIEW OF CORPORAL MARK GREEN

On January 8, 2015, I interviewed SBSD Academy Corporal Mark Green regarding his contact with Richter on December 15, 2014. With Green's permission, the interview was conducted by telephone and recorded. (Property #2). Information he provided is summarized as follows:

On December 15, 2014, Green was at the Sheriff's academy and was conducting range qualification/in service training for his department. He was on range #3 and #4 (depending on the lighting needed for a night shoot). No one else was utilizing those ranges. Sometime between 1830 -1930 hours, Richter approached him while he was "calling the line" from a loud speaker on one of the trucks. Green recalled Richter was dressed in red and had a firearms instructor's vest on as though he were going to help with the instruction. Richter stood watching the shooters for a few seconds. During a lull in the shooting, Richter asked Green if he needed help with instructing and Green said no he had all the help he needed for the night. Richter told

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Green that he was at the range doing something else and just wanted to check with him. About 10 seconds later, Richter left and Green never saw him again that evening.

Green said that he concluded the qualification at around 1930-2030 hours. He recalled turning the lights off when he left and no one could have turned them back on. Green did not think anyone was on range 5 which is located the furthest away. He did not see any vehicles near that range nor did he hear anyone shooting from there. The lights for that range are located in the middle of range 4 and when he left, the lights were out. Green said that the ranges are not fenced off and technically someone could be there after everything was closed.

In terms of access to the range, Richter has a key that allows him into the academy building, however, since he does not have an alarm code, he could only be there when other academy staff are present. Reserve officers should not have keys for their ammo supply.

I asked Green if any other staff member saw Richter that night and he said that he was working with 4 or 5 other academy staff/range assistants and they were on the line with the shooters in front of Green. So he was not aware if any of them saw Richter.

REVIEW OF THE INCIDENT AND INSPECTION OF THE VEHICLE BY THE CHP

On December 18, 2014, I went to Pride Auto and met with CHP Sergeant Lance Berns. Berns works in a specialized unit known as the Multidisciplinary Accident Investigation Team (MAIT). He and his officers, examined the State vehicle Richter crashed, photographed it (Attachment #16 and Property #6), and downloaded pertinent information they obtained from the car's Crash Data Retrieval (CDR) device (known as a black box). He provided me with a copy of the information by placing it on my thumb drive which I transferred onto a disk (Property #7). I printed the data report to review it (Attachment #17). The information reveals that Richter was wearing his seat belt and no one was in the passenger seat. He was traveling at an appropriate speed prior to the collision with only minor to moderate braking entering the curve. More specifically, 2.5

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seconds prior to impact his speed was 34 miles per hour. He began braking and the car slowed down to 27 miles per hour at time of impact.

Berns reviewed the photos of the site of the collision that I took on December 16, 2014 as well as the police report taken by Leivas. In an email to me dated January 5, 2015 (Attachment #18), Berns provided his opinion and stated, in part, "His claim that he lost control of the vehicle due to a catastrophic tire failure could not be supported by roadway evidence (tire friction marks), which would have been deposited, and the condition of the tire." Berns also stated, "Had he driven home on the tire he claimed blew out on him, there would have been significant indicators of such. The tire was not driven in run-flat condition..."


I asked Berns to inspect the rear driver's side tire that was flat. His staff removed the flat tire and transported it to their station for further examination. Following his review and examination, Berns prepared a report of his observations (Attachment #19). The tire did not lose air during his inspection and he concluded Richter's claim that he suffered a catastrophic tire failure was "unfounded." Following his examination of the tire, I took possession of it and booked it into the evidence room at the DOI Ontario field office on January 14, 2015. Berns' report is as follows:

Notification

On December 18, 2014, a request was received from Supervising Investigator Ken Smith of the California Department of Consumer Affairs regarding a December 15, 2014 collision that occurred within the city of Redlands. Supervising Investigator Smith requested MAIT provide insight and consultation regarding the circumstances surrounding the collision to assist them with their internal investigation of the incident.

Summary

At Supervising Investigator Smith's request, Investigator Berns contacted Special Investigator Shelly Gartner and made arrangements to discuss the incident and inspect the involved State vehicle. During a case discussion with Special Investigator Gartner, she indicated that Supervising Investigator Steven Richter was operating his assigned State vehicle, a 2007 Chevy Impala (5WKF180), east on San Timeteo Canyon Road

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approaching Nevada Street. Investigator Richter made an unsafe turning movement while negotiating a curve in the roadway at the intersection and allowed the State vehicle to drift off the roadway and strike an Edison power pole. Investigator Richter departed the scene immediately following the collision and drove to his residence in Loma Linda, where he was later contacted by Officer P. Leivas from the Redlands Police Department. Officer Leivas conducted an investigation and determined that Investigator Richter caused the collision by being in violation of Section 22107 VC (Unsafe Turning Movement). Officer Leivas also documented on the "Traffic Collision Coding" page of the collision report that Investigator Richter was under the influence of alcohol at the time of the collision. Since Investigator Richter did not stay at the scene of the collision, in which there was property damage to the Edison power pole, Officer Leivas also recommended that the completed collision report be forwarded to the San Bernardino County District Attorney's office for review and filing of charges stemming from a violation of Section 20002(a) VC (Hit and Run – Property Damage).

The Redlands Police Department handled the criminal investigation to conclusion.

CASE SUMMARY

Summary

During the course of the internal investigation being conducted by the Department of Consumer Affairs, Investigator Richter claimed that he experienced a catastrophic tire failure to his left rear tire, which caused him to lose control of his vehicle and impact the power pole. Investigator Richter also claimed that he drove the Chevy Impala to his residence after the collision.

Actions Taken

On December 18, 2014, at 1330 hours, MAIT Investigators Berns, ID 15244, Wester, ID 12500, and Finn, ID 13602, met Department of Consumer Affairs Investigators Gartner and Buttitta at Pride Automotive Repair (25050 East 3rd Street, San Bernardino, CA) to inspect the Chevy Impala. The Chevy Impala sustained major front end intrusion consistent with the impact with Edison power pole. The impact was severe enough to



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case the frontal driver airbag to deploy. Investigator Finn conducted a download of the Chevy Impala utilizing the Bosch Crash Data Retrieval (CDR) System, software version 14.2. The evidentiary copy of the download was provided to Investigator Gartner.

During the inspection of the tires and wheels mounted on the Chevy Impala, it was determined all tires were sufficiently inflated with a valve stem cap properly installed, with the exception of the left rear tire. The left rear tire was deflated and the valve stem cap was missing. None of the tires exhibited signs of improper maintenance or care and had adequate remaining tread for safe motor vehicle operation. The left rear tire was removed from the Chevy Impala and inspected. There were no signs of intrusion or sidewall damage that would be consistent with a catastrophic tire failure or having been driven in a run-flat condition. The removed tire was inflated to 30 pounds per square inch of air pressure by a Pride Automotive Repair representative and transported to the Inland Division MAIT office for evaluation. On December 22, 2014, the air pressure of the tire was re-evaluated. There was no loss of air pressure within the tire.


Conclusions

Based on the scope of the request, MAIT involvement was limited to consultation only. No reconstruction or formal analysis of the data was performed by MAIT. MAIT did not prepare a supplemental report or assist in the findings of the criminal and/or internal investigations. No further investigative follow-up or reports will follow unless specifically requested and approved through channels.

VEHICAL MAINTAINANCE RECORDS

Nicholls provided me with the vehicle maintenance records dating back to January of 2014. I reviewed the records in order to determine if Richter's statements to Nicholls and Hegelein were true, that he had problems with a tire prior to the collision.

A purchase order dated June 18, 2014 (Attachment #20) shows Richter's vehicle received all new tires and valve stems. The only other work related tire information was on invoice #62639

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dated November 20, 2014 (Attachment #21) from Pride Automotive Repair that shows they checked the left front tire as it "was flat." They sent it to a tire shop and they found "no leaks at this time." The description of labor shows that the tires were rotated.

TRAINING RECORDS

I asked Hegelein in HQIU training whether Richter' name appeared on a training roster as having completed range qualification on December 15, 2014. Hegelein said in an email (Attachment #22) that Richter did not participate in training that evening and that all of the HQIU staff finished shooting and had left prior to Richter even showing up at the range.

Hegelein also provided me with emails and a report (Attachment #23) showing that the Medical Board of California (MBC) (*now HQIU*) put Richter through a one-on-one remedial driver's training course on December 2, 2013 following his involvement in two prior collisions with a State vehicle, July 26, 2013 and October 16, 2013. In his final evaluation, the course instructor stated, in part, "Mr. Richter didn't demonstrate any improvement throughout our driving sessions."

MBC ENFORCEMENT OPERATIONS MANUAL

MBC Enforcement Operations Manual (revision #33) section 4.1 (Attachment #24) defines circumstances constituting misuse of a State-owned vehicle, in part, as "When driven or used otherwise than in the conduct of State business." The policy also states that, "Employees found to be in violation shall be liable to the State for the actual costs attributed to their misuse of a State-owned vehicle." The actual costs to the State include "Property damage, i.e., any and all property damage to the State-owned vehicle.." Reimbursement made to the State by the employee who has misused a State-owned vehicle shall not be considered a penalty for such misuse. The MBC may take adverse action against any employee who has misused a State-owned vehicle including dismissal, demotion, suspension, or other formal disciplinary action. Richter signed a memorandum on July 11, 2011 stating he read and understood the policies contained in the enforcement manual. (Attachment #25)

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Following the collision of the state-owned vehicle by Richter on December 15, 2014, Nicholls informed me that the car was beyond repair. In order to determine the value of the vehicle and costs to the state, I queried Edmonds on line and entered the description of the vehicle, mileage and condition. Edmonds estimated the value prior to the collision was \$4,049 if sold to a private party, \$3,242 if traded in, and \$4,997 if sold by a dealer.

SUBJECT INTERVIEW OF STEVEN RICHTER

On January 14, 2015, Supervising Investigator Ken Smith and I conducted a recorded interview of Richter in the conference room at the DOI field office located at 21 51 Convention Center Way #151, Ontario, CA 91764 (Property #8). Richter was represented by Attorney Naomi Hill from the law office of Grover Porter. I read Richter a Lybarger admonishment and he stated he understood it. He also signed the last page of the admonishment after it was read to him (Attachment #26).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The interview was concluded.

RETIREMENT

On January 14, 2015, [REDACTED]

Richter retired from State service. Within a few days of his retirement, I received a call from SBSD Internal Affairs Sergeant Ziggler who said that Richter resigned his position as a reserve deputy.

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EQUIPEMENT

On December 17, 2014, in conjunction with Richter being placed on administrative leave, HQIU Commander John Hirai went to Richter's house at [REDACTED] CA. He took possession of Richter's State issued equipment including, in part, a Glock 23, a Glock 27 and a shotgun. (Attachment #27) Richter also surrendered ammunition (Attachment # 28) as follows:

- 3 Cartons (10 boxes each) of 40 caliber rounds (500 total rounds)
- 16 Boxes of Winchester slugs
- 13 Boxes of Winchester buckshot Loads 00 buck
- 10 Boxes of Winchester buckshot Loads 00 buck (still in the plastic)
- 9 Boxes of Winchester 00 buckshot
- 2 sealed boxes of Winchester rifle slugs (50 per box)
- 1 box containing
 - 3 boxes of Winchester 00 buckshot (25 shells each)
 - 19 boxes Winchester slugs (5 shells each)
 - 6 boxes 00 buck buckshot loads (5 shells each)
- 1 box labeled "Wagner" containing
 - 4 boxes Winchester 00
 - 4 boxes Winchester AA heavy target load
 - 2 boxes Winchester 00 buckshot

On January 15, 2015, following Richter's retirement from State service, Hirai went to Richter's house to pick up the remainder of State equipment in his possession (Attachment #29). Richter said that he found additional items that he should have previously surrendered as follows:

- 1 sealed box containing 10 boxes of Winchester 40 caliber (500 rounds)
- 1 box containing
 - 16 boxes of Remington Express buckshot
 - 13 boxes of Super X buckshot loads 00 buck
- 1 large black case containing, in part
 - 15 boxes of Winchester 40 caliber (50 rounds each)



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- 20 boxes of Remington Golden Saber high performance jackets
- 5 boxes of Winchester buckshot loads
- 2 plastic bags of orange tipped dummy rounds
- 1 large black case containing
 - 2 boxes with 20 boxes of Remington Golden Saber high performance jackets
 - 1 box Winchester AA
 - 1 box Winchester AA Heavy Target Load
 - 6 boxes Winchester Super x Buckshot 00 buck
 - 3 boxes Remington 00 buckshot
 - 2 boxes Winchester rifled slugs
 - 1 box Winchester ranger low recoil buckshot
 - 2 boxes of Winchester rifled slugs hollow point deer
 - 2 black mini Glock boxes
- 1 large cardboard box containing
 - 1 bottle of break free solution
 - Miscellaneous loose rounds
 - 4 boxes of Winchester 40 caliber (50 rounds each)
 - 3 boxes of Winchester AA
 - 8 boxes of Remington Express Law Enforcement Tac 8 buckshot
 - 2 boxes of Winchester buckshot loads 00 buck

Also on January 15, 2015, Hirai went to the HQIU San Bernardino field office and took possession of Richter's duty equipment such as ID cards, badge, handcuffs, body armor, cell phone, gas card, webcams, duty bags, etc. (Attachment # 30)

EMBEZZLEMENT

On January 22, 2015, at approximately 1700 hours, Richter called SBSD to report that he had been stealing ammunition and equipment from them and MBC/HQIU over the past 20-30 years. Deputies responded to his home at which time Richter said that he was ashamed of himself for his past actions and that he should be arrested. He was distraught and convinced his actions

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would bring great disgrace and embarrassment upon himself, his family, and his employers. Responding deputies Loera and Alfaro as well as detective Marshall prepared a report (case # 151500137) of their investigation and findings as follows: (Attachment # 31)

Deputies responded to Richter's home and noted that the house was disorganized throughout. Richter gave deputies written and verbal permission to search his home and to collect all of the ammunition and property. He led them to areas inside of his garage and house where they found numerous containers and boxes of ammunition totaling in the thousands of rounds.

Richter opened a gun safe located in one of the bedrooms and said that the ammo inside was taken from the SBSD and his State employer. The brands and calibers varied. Collapsible batons, magazines, training guns, ear protectors, and other property consistent with being distributed by the SBSD range was also found, photographed, and transported to the Central Station.


At the conclusion of the investigation, Detective Marshall submitted the case to the District Attorney for review and filing of criminal charges.

On April 7, 2015, I contacted the SBSD and learned that criminal charges had not yet been filed by the District Attorney's Office.

INVESTIGATION AND MEMORANDUM BY DOI INVESTIGATOR CHARLES SMITH

Investigator Charles Smith of DOI's Investigations and Services Team conducted an investigation of Richter's involvement in stealing ammunition from the MBC/DOI. Smith prepared a memorandum dated February 20, 2015 (Attachment # 32) that is summarized as follows:

On January 23, 2015, DOI was notified by SBSD that Richter [REDACTED] had self-reported that he had stolen ammunition from the Medical Board of California and SBSD. The SBSD reported that Richter had approximately 12,000 rounds of ammunition


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in his possession along with other law enforcement equipment. SBSD requested assistance with identifying Division of Investigation property.

On January 26, 2015, Commander Bill Jones and Investigator Charles Smith interviewed Commander Andrew Hegelein in the Investigations and Services Team interview room, regarding former employee Steven Richter. Hegelein is the Commander of the training unit within the Division of Investigation and was the Commander of the Medical Board's Office of Standards and Training unit prior to the consolidation. Commander Hegelein has been with the Office of Standards and Training since approximately 2005. This interview was recorded and transferred onto a compact disk. The disk was labeled and identified as (PROPERTY #1). The following is a summary of that recorded interview:

Commander Hegelein explained the Medical Board of California's procedure for the purchasing of ammunition. Hegelein said the Supervising Investigator I, with the Office of Standards and Training was responsible for the ordering of ammunition. The Supervising Investigator I would complete an order request and forward it to the Business Services Office (BSO) for purchase. Hegelein said that this was the only approved method of purchase and Richter would not have been able to purchase ammunition. Hegelein said he remembered one occasion where students in the academy had to purchase ammunition and then request reimbursement as a business expense but Richter was not involved with those purchases. Hegelein said the ammunition purchase would be approximately 30,000 rounds every two years for the San Dimas and San Bernardino offices. The orders were based on planned training and academy sessions and regular scheduled training.

Commander Hegelein explained the Medical Board of California's procedure for the distribution of ammunition. Hegelein said that when the order is placed, the Supervising Investigator I with the Office of Standards and Training would include in the purchase order the amount of ammunition to be ordered, and how much was to be delivered to specific locations. Hegelein explained that ammunition was delivered to the San Dimas,

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San Bernardino, and Sacramento offices. Hegelein said ammunition was formerly stored at the Glendale office but that has changed in the last few years.

Commander Hegelein was asked about the storage of ammunition at these locations. Hegelein explained that ammunition was stored in the evidence rooms at the San Dimas and San Bernardino offices in Southern California. Hegelein said that the Medical Board did not have a policy regarding the storage of ammunition but that was the known approved standard. Hegelein said since 2005 when he was hired in the Office of Professional Standards, nobody had been authorized to store department ammunition at their home or any other location outside of the district office, but he would not be surprised if another commander gave permission.

Commander Hegelein said that to his knowledge Richter had been a Firearms Instructor with the Medical Board since approximately 2002. Hegelein said that it is possible that over the past 13 or so years, Richter could have taken 12,000 rounds of ammunition without anyone noticing. Hegelein was not aware of any unusual or excess ordering of ammunition from Richter. Hegelein said the ammunition stored at the San Bernardino office was enough for training four field offices. Hegelein also said Richter was tasked with providing ammunition to academy students as well as providing additional training to academy students as needed. Hegelein said he did not know if Richter had ever asked for, borrowed, or took any ammunition from the San Dimas field office. Hegelein said he remembered loading ammunition in his state vehicle and delivering an unknown amount of ammunition to Richter sometime between 2007 and 2010 but could not recall the exact time frame. Hegelein said as long as he has been with the Medical Board, they have always used the Winchester ammunition that was on state contract.

Commander Hegelein also indicated that Richter was responsible for covering the Rancho Cucamonga, Tustin, San Bernardino and San Diego offices. He would also issue ammunition to cadets as needed. Richter would also provide orientation instruction and qualification for new employees. Hegelein also said Richter worked with fellow instructors

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Glenda Finley and Charlene Mackenzie. Investigator Smith requested Commander Hegelein to provide a copy of past purchase orders back to 2002 or as far back as they were retained. Also requested was a list of equipment issued by the Medical Board to employees and any communication or requests for purchase of ammunition from Richter including what Richter last reported to be on-hand in the San Bernardino Office. Hegelein said Richter did not have access to any additional equipment other than what was issued to him. Hegelein said all equipment is stored and issued out of the Sacramento Headquarters.


After the recording was turned off, Commander Hegelein also divulged that Richter was the subject of a previous investigation. This investigation alleged that Richter was selling/trading Department ammunition to purchase personal firearms. Hegelein said this investigation was not sustained as the owner of the business where Richter was alleged to have traded the ammunition for firearms was a close friend of Richter's. Hegelein also indicated that when Richter's brother passed away, his brother was in possession of a large amount of ammunition but that it could not be confirmed if that ammunition was the property of the Medical Board. Commander Hegelein was not aware that Richter had turned over a quantity of ammunition to Commander Hirai when he left state service.

END OF INTERVIEW

DOCUMENT REVIEW

On January 26, 2015, I received the purchase requests and emails from Commander Hegelein regarding the Medical Board ammunition purchases and the inventory count provided to Hegelein from Richter. (ATTACHMENT #A)

- Purchase requests and distribution list for 2008
- Purchase requests and distribution list for 2010
- Purchase requests and distribution list for 2011
- Purchase requests and distribution list for 2012

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- Shipping receipts for the San Bernardino field office
- Shipping receipts for the San Bernardino field office 2013
- Shipping receipts for the San Bernardino field office 2014.
- Copies of emails involving Richter, which include the amount of ammunition on hand at the San Bernardino Office
- Equipment list for items assigned to Richter.

CONTACT WITH SBSD

On January 30, 2015, Commander Bill Jones and I made contact with Deputy K. Marshall of the San Bernardino Sheriff's Department at the SBSD office located at 655 3rd St. San Bernardino; Ca. Deputy Marshall requested we identify any property that belonged to the State of California for his ongoing criminal investigation.

After viewing the property located in a SBSD evidence room, we identified two 500 round cases of 9mm ammunition that belonged to the Medical Board. This was easily identified by the sticker on the outside of the cases showing the items shipped to the Medical Board, Tustin Office. Also identified were five, Glock 23, high capacity magazines. There were two black cases with approximately 2000 rounds of loose ammunition in each case. This ammunition is consistent with the type used by the MBC and DOI. There were also approximately 300 rounds of loose "Ranger" shotgun ammunition that is consistent with the type used by the MBC and DOI. We took custody of these items from Deputy Marshall and booked them into the DOI San Bernardino District Office evidence room with the assistance of Commander Kathleen Nicholls. I took photographs of the items recovered from the San Bernardino Sheriff's Department and of two boxes of items that Richter returned to Commander Hirai after separating from employment. These images can be seen in (ATTACHMENT #B). The images were transferred onto a Compact Disk and were identified as (PROPERTY #2).

Deputy Marshall informed me that they had also taken possession of numerous firearms from Richter. He asked if any of those firearms were property of the Department of

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Consumer Affairs. I requested he email me a copy of the property receipt so I could check the serials numbers when I returned to the office. On February 04, 2015, I received a copy of the property receipt (ATTACHMENT #C). I compared the serials numbers listed on the property receipt against the serial numbers assigned to DOI. None of the serial numbers from the property receipt matched any known firearms owned by DOI.

ATTACHMENTS

- A. Documentation received from Commander Hegelein
- B. Photographs of Items recovered and returned by Richter
- C. SBCSD Property Receipt

PROPERTY

- 1. Compact Disk containing recorded interview of Commander Hegelein
- 2. Compact Dick containing photographs of recovered/return items

SUBJECT INTERVIEW OF RICHTER ON JULY 24, 2014

Richter was the subject of a prior MBC Internal Affairs Investigation (IA-2014-01) regarding allegations that he used ammunition he obtained from the MBC in trade for the purchase of a personal firearm at Wirz gun shop. In conjunction with the investigation, I interviewed Richter as a subject on July 24, 2014 (Property #9). In the course of that interview, I asked Richter if he ever gave or traded ammo that he obtained from the MBC or the SBSD for the acquisition of firearms and he said, "No." Due to the lack of evidence gathered during the investigation, the allegations were not sustained.

On January 27, 2015, Richter was interviewed by SBSD Detective Marshall in conjunction with Richter's self-reporting of embezzling ammunition from MBC/DOI and SBSD. (case # 151500137 (Attachment #31)). During the interview, Richter said that he traded ammo he obtained from the State and County and used it for store credit at Wirtz gun shop. He then used the store credit to help pay for new firearms he purchased.

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END OF INVESTIGATION**FINDINGS:**

[REDACTED]

- [REDACTED]


[REDACTED]

California Government Code §19572(f) Dishonesty – intentionally misrepresenting facts.

- On December 16, 2014, Richter lied to police and to his supervisors when he:
 - Told them his vehicle blew a tire and that's what caused the accident.
 - Said he crashed his State vehicle into a pole in front of his house while pulling into his driveway.
 - Said he was at the SBSB range until 2300 hours and then drove home.
- On July 24, 2014, during a subject interview of him, Richter lied in the course of an internal affairs investigation regarding allegations that he traded ammunition he obtained from the MBC in exchange for the purchase of a personal firearm.

California Government Code §19572(p) Misuse of state property -Grossly abusing or mishandling State property

- On December 15, 2014, while driving his State assigned vehicle, Richter ran off of the road and hit an Edison pole. The car suffered damage beyond repair. Police found no apparent reason for the accident.
- On December 15, 2014, Richter used his State assigned vehicle for other than State business and when he was off duty.
- On January 27, 2015, Richter reported to the SBSB that, over the years, he stole property belonging to the State of California and used it as credit to buy personal

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firearms. Thousands of rounds of ammunition were recovered from Richter's residence and booked into evidence.

California Government Code §19572(t) Other failure of good behavior – Conduct that brings discredit to the appointing authority or the person's employment

- On January 13, 2015, the San Bernardino County District Attorney's office filed criminal charges against Richter for Hit and Run.
- Currently under review by the DA's office are criminal charges of embezzlement for the State and County property and equipment Richter admitted stealing over the course of his employment with both agencies.

MBC Enforcement Operations Manual (revision #33) section 4.1 - Misuse of a state-owned vehicle is, in part, "When driven or used otherwise than in the conduct of state business."

- On December 15, 2014, Richter drove his State vehicle during a time frame he was off duty. He crashed the vehicle on a remote road and in an area that was not near his personal residence.

ATTACHMENTS

1. Redlands Police Report #140055017
2. WebMD BCA
3. DMV BCA
4. Email of questions dated 12/29/2014 to Corporal Leivas
5. Email of answers dated 1/7/2015 from Corporal Leivas
6. Email dated 12/16/2014 from Nicholls to Sweet regarding contact with Richter
7. Email dated 12/16/2014 from Nicholls to Sweet regarding a text message
8. Email dated 12/16/2014 from Hegelein to Sweet regarding contact with Richter
9. Prints of photos of Richter's car taken by S. Gartner on 12/16/2014
10. Print of the vehicle log book in Richter's car on 12/16/2014
11. Prints of the photos taken by S. Gartner on 12/16/2014 of the collision site
12. Map showing directions from Richter's home to the crash site
13. Photo of Richter's home/driveway and the pole next to it

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14. Map showing the directions and distance from Richter's home to SBSD range
15. Map showing route from the range and the distance from the crash site
16. Photos of Richter's car that were taken by CHP on 12/18/2014
17. Crash Data Retrieval print out from Richter's car
18. Email dated 1/5/2015 CHP Sergeant Berns to S. Gartner regarding findings
19. Report of findings after examination of Richter's vehicle tire by the CHP
20. Purchase order showing new tires were put on Richter's car on July 3, 2014
21. Invoice from Pride Auto on 11/20/2014 showing Richter's car had a flat tire
22. Email dated 1/5/2015 from Hegelein to S. Gartner regarding shooting roster
23. Report dated 12/2/2013 showing Richter received driver's training.
24. MBC Enforcement Operations Manual section 4.1, page 4, 5,6. Chapter 4, section 4.7 regarding monthly travel log completion and section 4.8 regarding personal use of State vehicles.
25. Memo signed by Richter on 7/11/2011 stating he read the MBC Enforcement Operations Manual, revision #33.
26. Lybarger admonishment signed by Richter on January 14, 2014
27. A list of Richter's equipment Hirai picked up on 12/17/2014
28. Inventory of ammunition Richter gave Hirai on 12/17/2014
29. Inventory of ammunition Richter gave Hirai on 1/15/2015
30. Inventory of Richter's equipment Hirai collected on 12/17/2014
31. SBSD crime report case # 151500137
32. Supplemental report/Memorandum prepared by Investigator Smith on February 20, 2015. Including Attachments A,B,C and Property items 1 and 2.

PROPERTY:

1. A CD-ROM disc containing recorded interview of Leivas on 12/30/2014.
2. A CD-ROM disc containing recorded interviews of the following:
 - o [REDACTED]
 - o Command Kathleen Nicholls
 - o Corporal P. Leivas

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o Corporal Mark Green

3. Interview of Commander Andrew Hegelein
4. A CD-ROM disc containing photos of Richter's car, and collision site taken by S. Gartner on 12/16/2014
5. Vehicle log book obtained from Richter's car on 12/16/2014
6. A CD-ROM disc containing photos of Richter's car taken by CHP on 12/18/2014
7. Crash Date Retrieval info obtained from Richter's car on 12/18/2014
8. CD-ROM disc of the interview of Richter on 1/14/2015
9. CD-ROM disc of the interview of Richter on 7/24/2014

The property is located in the IST evidence room located inside of 1747 North Market Boulevard, Suite #160 in Sacramento, California 95834 and a copy is kept in the rear of this case file. The ammunition recovered from Richter's home was booked into evidence at the HQIU San Bernardino field office.

SUBMITTED BY:

Shelly Gartner
Special Investigator

DATE:

4/7/2015

REVIEWED BY:

Ken Smith
Supervising Investigator

DATE:

4/27/15

REVIEWED BY:

Bill Jones
Commander

DATE:

5/13/15

APPROVED BY:

Laura Sweet
Deputy Chief, Division of Investigation

DATE:

5/19/15

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APPROVED BY:


Michael Gomez
Deputy Director

DATE: 5-28-15